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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

KOICHI TANIGUCHI	)	CIVIL ACTION NO. 08-0008
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DEFENDANT'S ANSWER</b>
	)	<b>TO PLAINTIFF'S COMPLAINT</b>
KAN PACIFIC SAIPAN, LTD. dba	)	
Mariana Resort and spa	)	
	)	
Defendant.	)	
_____	)	

Comes now Defendant KAN PACIFIC SAIPAN, LTD. dba Mariana Resort and Spa ("Mariana Resort"), and for its Answer to Plaintiff's Complaint states as follows:

1. Mariana Resort admits the allegations contained in paragraph 1 of Plaintiff's complaint.

2. Mariana Resort admits the allegations contained in paragraph 2 of Plaintiff's complaint.

3. Responding to the allegations contained in Paragraph 3 of Plaintiff's complaint, Mariana Resort admits that Plaintiff was present at its business premises on November 6, 2006, but denies the remainder of the allegations set forth therein.

4. Responding to the allegations contained in Paragraph 4 of Plaintiff's complaint, Mariana Resort admits that on November 6, 2006, Plaintiff's foot went through a portion of defendant's wooden deck, but denies the remainder of the allegations set forth therein.

5. Mariana Resort denies the allegations contained in paragraph 5 of Plaintiff's complaint.

6. Responding to the allegations contained in Paragraph 6 of Plaintiff's complaint, Mariana Resort denies that Plaintiff is currently a professional baseball player, but admits the remainder of the allegations set forth therein.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the matters stated in paragraph 7 of Plaintiff's complaint, and on that ground denies the same.

8. Mariana Resort denies the allegations contained in paragraph 8 of Plaintiff's complaint.

9. Mariana Resort denies the allegations contained in paragraph 9 of Plaintiff's complaint.

10. Mariana Resort denies the allegations contained in paragraph 10 of Plaintiff's complaint.

11. Mariana Resort denies the allegations contained in paragraph 11 of Plaintiff's complaint.

12. Mariana Resort denies the allegations contained in paragraph 12 of Plaintiff's complaint.

13. Mariana Resort denies the allegations contained in paragraph 13 of Plaintiff's complaint.

**AFFIRMATIVE DEFENSES**

1. The complaint fails to state a claim upon which relief can be granted.
2. If Mariana Resort was negligent, which it denies, Plaintiff was contributorily negligent, and his damages must be reduced by the percentage of negligence assigned to him by the jury.
3. Plaintiff failed to mitigate his losses and damages.

WHEREFORE, Mariana Resort prays for relief as follows:

1. For an order that Plaintiff take nothing by his complaint, and that it be dismissed with prejudice;
2. For costs of suit.


Dated: 2/28/08

RICHARD W. PIERCE LAW OFFICE, LLC

By:   
RICHARD PIERCE

DOOLEY ROBERTS & FOWLER LLP

Dated: 2/28/08

By:   
TIM ROBERTS

Attorneys for Defendant KAN PACIFIC SAIPAN, LTD. dba Mariana Resort and Spa.